

Amendment
Serial No. 10/759,720

Docket No. 5000-1-515

REMARKS

Reconsideration of the above identified application, as amended, and in view of the following remarks, is respectfully requested.

Claims 1-20 stand rejected.

Claims 1, 2, 4-8, 10-13 and 16-20 stand rejected under 35 USC §103(a) as being unpatentable over Ishida (US 6,434,171) in view of Sullivan (USP 6,662,365) and further in view of Kato (US 6,233,255).

Applicant respectfully disagrees with, and explicitly traverse the rejection of the claims.

The present invention, as recited in claim 1 recites a MPTS-SPTS Separation device that separates a desired signal from a plurality of signals and transmits only the desired signal

With regard to Ishida, this reference teaches a multiplexing system for multiplexing and transmitting a plurality of media signals wherein the signal are identified by SI, PID and Table IDs.

Kato discloses a re-multiplexer for extracting some information and transmitting a plurality of media signals. For example, see col. 21, lines 16-26 ("[f]inally, the remultiplexing section 33 multiplexes again the packets 149a, 149b ... 149n each after abortion of the all program control information transferred from the all program control information aborting sections 44a, 44b ... 44n, information from one program 110a, 110b ... 110n, generated in the program generating sections 7a, 7b ... 7n, ... and the packet 111 containing the new unit of all program control information transferred from the all program control information generating section 8 and transmits the remultiplexed packet as program multiplexed information 121x."

However, even if the teachings of Sullivan were included in the teaching of Ishida and Kato, there is no means described in Ishida or Kato to select only a single

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program for transmission. Rather both Ishida and Kato teach transmitting multiple signals.

As the Court of Appeals for the Federal Circuit (CAFC) has held in the matter *Iron Grip Barbell Company v. USA Sports, Inc.*, “[w]here an invention is contended to be obvious ... our cases require that there be a suggestion, motivation or teaching ... for such a combination.” (quoting *In re Fine*, at 1074 (Fed. Cir. 1988). “This requirement prevents the use of ‘the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.’” (*citations omitted*).

Accordingly, even if the teachings of Ishida were combined with the teachings of Sullivan and Kato, the combination fails to teach the invention described in the instant applicant. Rather, even though the Examiner refers to Kato as aborting the all-program control information, the Examiner has failed to further refer to Kato teaching that other programs are multiplexed to output a multiplexed signal. Hence, the device produced by the combination of the teaching of the prior art references fails to teach the transmission of a single signal.

Accordingly, the combination of the cited references fails to render obvious the invention claimed in independent claim 1 as the combination of the cited references fails to disclose all the elements recited in the claim.

For at least this reason applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 3, 9, 14 and 15 are rejected under 35 USC 103(a) as being unpatentable over Ishida, Sullivan and Kato and further in view of Pinder.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

The aforementioned claims depend from the independent claim 1, which has been shown to be allowable over the combination of Ishida, Sullivan and Kato because the device produced by the combination of these references fails to recite all the elements

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recited in claim 1. Pinder fails to provide any teaching to correct the deficiency found to exist in the combination of Ishida, Sullivan and Kato. Accordingly, the aforementioned dependent claims are therefore patentable for the same arguments made in overcoming the rejection of claim 1.

For at least this reason applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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